

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

## UNITED STATES DISTRICT COURT

for the

District of Utah

Central Division

Adriann Canary

## Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Darin Adams, Matthew Topham, Chad Dotson  
with Cedar City Corporation

## Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☐ Yes ☐ No

Case: 4:25-cv-00077

Assigned To : Kohler, Paul

Assign. Date : 6/23/2025

Description: Canary v. Adams et al

FILED  
2025 JUN 23 AM 10:29  
CLERK  
U.S. DISTRICT COURT

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Adriann Canary		
Address	1040 E. Ashdown Forest Rd.		
	Cedar City	UT	84721
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Iron		
Telephone Number	4355922566		
E-Mail Address	adrianncanary@gmail.com		

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

**Defendant No. 1**

Name	Darin Adams		
Job or Title <i>(if known)</i>	Chief		
Address	10 S. Main St.		
	Cedar City	UT	84720
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Iron		
Telephone Number	4355862956		
E-Mail Address <i>(if known)</i>	adarin@cedarcity.org		
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

**Defendant No. 2**

Name	Matthew Topham		
Job or Title <i>(if known)</i>	Detective		
Address	10 S. Main St.		
	Cedar City	UT	84720
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Iron		
Telephone Number	4355862956		
E-Mail Address <i>(if known)</i>	mtopham@cedarcityut.gov		
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

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## Defendant No. 3

Name

Chad Dotson

Job or Title (if known)

Iron County Attorney

Address

Cedar City

UT

84721

City

State

Zip Code

County

Iron

Telephone Number

E-Mail Address (if known)

cdotson@ironcounty.net

☐

Individual capacity

☒

Official capacity

## Defendant No. 4

Name

Job or Title (if known)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

☐

Individual capacity

☐

Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials? 14th Amendment-Due process clause. I have the right to procedural due process. Fair enforcement of court orders. Officials are arbitrarily denying me legal protection, which violates due process. 14th Amendment-Equal Protection Clause. Officials are selectively enforcing other injunctions but discriminating against mine. 42 U.S.C S1983-Civil Rights Act. Section 1983 claim. Officials are acting under color of law to deprive

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

1. Violation of Fourteenth Amendment-Due Process Clause:

Defendants, acting under color of state law, have refused to honor and enforce a valid civil stalkinginjunction issued for Plaintiff's protection. This refusal deprived Plaintiff of her constitutionally protected right to access the courts and to have valid courtorder enforced, constituting a denial of procedural due process.

2. Violation of Fourteenth Amendment-Equal Protection Clause: Please see attachment

### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?  
Cedar City Police Department

- B. What date and approximate time did the events giving rise to your claim(s) occur?  
02-10-25, 08/27/24, 04/23/24, 03/25/24, 06/02/22, and more

- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*  
Cedar City Police Department refuse to act according to Utah Statute 78B-7-119 Duties of Law Enforcement regarding stalking injunction violations with at least 5 cases and multiple pieces of evidence. Under Chad Dotson's supervision and knowledge, David Hill at Iron County Attorney's office violated my victim rights by dismissing a case in criminal court without discussing with myself, this is pursuant to Utah law 77-37-3 (1c) & (1i). Detective Matthew Topham falsified a police report 76-8-506 Providing False Information to government agency. CCPD not following the Freedom of Information Act. 63G-2-101 et seq regarding GRAMA. Chief Darin Adams has full knowledge and partakes in the corruption. All of my above mentioned (and many more) claims have valid proof such as multiple voice recordings between CCPD and myself, several email correspondences, and a letter from the Victim Rights Committee agreeing that my rights were violated, causing me a loss in court, and 28k to take the serial violator to civil court. Judge Mathew Bell saw two pieces of evidence and exclaimed "you are definitely in violation". Yet the CCPD won't do anything with approximately 100 pieces of evidence.

#### **IV. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

The stress and negative attention causes my husband to react physically. Bruises, scratches, and soreness. I did not seek medical attention.

Stacy Mallory took my 3 year old son's hat and forcefully shoved it on his head. Please see video footage of him taking it off and rubbing his head better. She also said vulgar things to him about his mother(plaintiff).

Painfully financially injured. Not only has her harassment effect business but I had to move my children out of state to protect them from her as she threatened to kill them.

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#### **V. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

\*Compensatory damages for emotional distress and harm suffered. \$34,000.

\*Time spent reporting, filing complaints, moving family out of state to assure their protection, speaking with lawyers and professionals, multiple filings throughout a 5 year period. This includes time I've stepped away from my regular job responsibilities, depleting my income and missing out on my children's lives, time I will never get back. \$130,000.

\*Injunctive relief requiring proper enforcement of protective orders.

\*Attorney's fees and costs pursuant to 42 U.S.C. S 1988. I've already spent \$28,000.

\*Any other relief the Court deems just and proper.

**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 05/25/2025

Signature of Plaintiff Adriann Canary



Printed Name of Plaintiff Adriann Canary

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney \_\_\_\_\_

Printed Name of Attorney \_\_\_\_\_

Bar Number \_\_\_\_\_

Name of Law Firm \_\_\_\_\_

Address \_\_\_\_\_

*City*

*State*

*Zip Code*

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

**Formal Statement of Legal Claims Against Cedar City Police Department and Associated Officials**

**I. Failure to Enforce Stalking Injunctions (Utah Code § 78B-7-119)**

The Cedar City Police Department (CCPD) has consistently failed to enforce stalking injunctions as mandated by Utah Code § 78B-7-119. Despite the existence of at least five documented cases and over 100 pieces of evidence, CCPD has not acted upon violations of civil and criminal stalking injunctions. This dereliction of duty constitutes a breach of statutory obligations and has resulted in continued harm to the undersigned.

**II. Violation of Victim Rights During Criminal Proceedings (Utah Code § 77-37-3)**

Under the supervision of Iron County Attorney Chad Dotson, Deputy Prosecutor David Hill dismissed a criminal case without prior consultation with the undersigned, in direct contravention of Utah Code § 77-37-3(1)(c) ↓ (1)(i). These provisions guarantee victims the right to be informed and consulted regarding significant decisions in criminal cases. The failure to adhere to these statutory requirements has infringed upon the undersigned's rights and hindered the pursuit of justice.

**III. Falsification of Police Report (Utah Code § 76-8-506)**

Detective Matthew Topham of CCPD knowingly provided false information to a government agency, as defined under Utah Code § 76-8-506. This misconduct includes misrepresentations in official reports intended to mislead or obstruct justice. Such actions not only violate statutory law but also undermine public trust in law enforcement integrity.

**IV. Non-Compliance with Government Records Access (Utah Code § 63G-2-101 et seq.)**

CCPD has repeatedly failed to comply with the Government Records Access and Management Act (GRAMA), Utah Code § 63G-2-101 et seq., by withholding public records and obstructing transparency. This non-compliance has denied the undersigned access in a timely manner to critical information necessary for legal proceedings and accountability.

## **V. Complicity and Oversight by Chief Darin Adams**

Chief Darin Adams, as the head of CCPD, has been made aware of these violations and has failed to take corrective action. His inaction and participation in systemic issues within the department contribute to the ongoing deprivation of rights and miscarriage of justice experienced by the undersigned.

## **VI. Impact on Legal Proceedings and Financial Harm**

The undersigned's rights as a crime victim have been egregiously violated, leading to a necessitating expenditure of \$28,000 to pursue civil litigation against the perpetrator. Judge Matthew Bell, upon reviewing two pieces of evidence, acknowledged the violation, stating, "you are definitely in violation." However, CCPD has failed to act upon approximately 100 pieces of evidence, further compounding the harm and injustice faced.

## **VII. Supporting Evidence**

The undersigned possesses substantial evidence to support these claims, including:

Multiple voice recordings of interactions with CCPD.

Extensive email correspondence with law enforcement and legal officials.

A formal letter from the Victim Rights Committee acknowledging the violation.